

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:18-CR-22
)	
Plaintiff)	JUDGE: SOLOMON OLIVER, JR.
)	
vs.)	
)	
PHILLIP DURACHINSKY,)	
)	<u>DEFENDANT PHILLIP DURACHINSKY'S</u>
Defendant)	<u>MOTION TO COMPEL</u>

Defendant Phillip Durachinsky, pursuant to Federal Criminal Rule of Procedure 16(a)(1)(F) and 16(a)(1)(G), requests that This Honorable Court compel the Government to provide the following items:

1. A written summary of all Government expert witness testimony, including as to the following issues/matters:
 - a. How Defendant's alleged software/malware was used to commit the offenses charged in each count of the Indictment.
 - b. How Defendant's alleged software/malware operated, in general, and specifically with regards to the individual target computers.
 - c. Whether Defendant would have had to have viewed any of the alleged child pornography images and/or files that were recovered in this case.
 - d. Whether Defendant curated any of the alleged child pornography images and/or files that were recovered in this case.
 - e. Whether any other alleged child pornography was found in any of the computer files and or data that was analyzed by the Government.
2. The specific computer files /data relied upon by the Government expert witnesses in arriving at each of the above opinions, as well as any other opinion to be offered at trial.

3. The specific computer files/data relied upon by the Government to prove the child pornography count, as well as the other counts.

Defendant Durachinsky asserts that he has previously requested the above information. The above information is absolutely necessary in order for Defendant's computer expert to be able to meaningfully review and analyze the vast amount of computer data evidence that exists in this case. Although the Government has provided some of the items requested as to above listed Numbers 2 and 3, Defendant respectfully requests that his motion for an order directing the Government to provide all of the aforementioned information be granted.

Respectfully submitted,

/s/ Thomas E. Conway
Thomas E. Conway (Reg. 0021183)
Attorney for Defendant
55 Public Square Suite 2100
Cleveland, Ohio 44113
(216) 210-0470 - phone
(216) 696-1718 - Fax
teconway@sbcglobal.net - Email

CERTIFICATE OF SERVICE

I certify that the forgoing was filed electronically on September 30, 2020. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system, and can be accessed through said system.

/s/ Thomas E. Conway
Thomas E. Conway
Attorney for Defendant